IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 24027 of 2004

Between:

Y. Subbaiah, S/o Rangaiah, Hindu,
aged 30 years, Occ: Driver, E.No.576631,

R/o D.No. 3/69, R.V. Palem, Tadipatri Post,

Ananthapur District.

..... PETITIONER

AND

1. The Regional Manager, APSRTC,

Ananthapur Region, Ananthapur.

2. The Personal Officer, APSRTC,

Ananthapur Region, Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the proceedings No. P4/684/(66)/98-RM'A' dated 11-6-2003 of the 2nd respondent as illegal, arbitrary in violation of Principles of natural justice and in violation of Articles 14 and 21 of the Constitution of India and consequentially direct the respondents to restore the petitioner name in the panel of Selection for driver post and allow the petitioner to

discharge his duties as driver in the respondent corporation and pass such other or further order.

Counsel for the Petitioner: MR.S.SURENDRA KUMAR

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court made the following:

ORDER:

1. Challenging the deletion of the name of the petitioner from the approved/selection list for driver post, the writ petition is filed.

2. The facts are not in dispute. Learned counsel for the petitioner contended that without conducting enquiry, the name of the writ petitioner has been deleted from the approved/selection list and therefore, principles of natural justice have been violated.

3. On the other hand, learned counsel appearing for the respondents contended that it is only deletion of name from the approved list and he is not a regular employee and hence no enquiry needs to be conducted.

4. The petitioner was selected through a selection process as a Driver Grade-II on 09.7.1999. It seems the petitioner participated in the strike on 28.10.2001 to 07.11.2001. A show cause notice was given to the writ petitioner calling upon his explanation for misconduct i.e., participation in the strike. It is also stated that without calling for explanation and without conducting any enquiry, the impugned proceedings have been passed.

5. No doubt, the writ petitioner is not a regular employee. Since he has been selected through a regular selection process, the principles of natural justice require to give reasonable opportunities to defend the case before deletion of his name. The writ petitioner should have given an opportunity to putforth his case. Admittedly, no

departmental enquiry has been conducted in this case. Therefore, the order in challenge suffers from legal infirmities.

6. Hence, the impugned proceedings are set aside and the writ petition is allowed. This order will not preclude the respondents' Corporation in initiating any departmental proceedings against the writ petitioner for taking suitable action in accordance with the rules and regulations of the Corporation.

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K.C.BHANU,J.

Date: 23rd December 2004.

BSB

That Rule Nisi has been; made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the 23rd day of December Two thousand and four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Manager, APSRTC,

Ananthapur Region, Ananthapur.

2. The Personal Officer, APSRTC,

Ananthapur Region, Ananthapur.

3. Two CD copies